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COMMITTEE ON APPLICATIONS FOR REVIEW OF
ADMINISTRATIVE TRIBUNAL JUDGEMENTS
Thirty-sixth session

SECOND PART OF THE EXTENDED THIRTY-SIXTH
SESSION OF THE COMMITTEE

(Interim paper)

The following are those rules of procedure of the Committee, the texts of which were provisionally revised during the discussion at the second part of the extended thirty-sixth session of the Committee, held on 16, 18 and 19 July 1991.

Article II, paragraph 1

"1. (a) Applications asking the Committee in accordance with article 11 of the statute of the United Nations Administrative Tribunal to request an advisory opinion of the International Court of Justice shall be submitted in writing to the official designated by the Secretary-General to serve as Secretary of the Committee.

"(b) For the purposes of article 11, paragraph 1, of the statute of the Administrative Tribunal, the date of the judgement shall be considered to be the date by which it was received by both the parties to the proceedings before the Tribunal. That date shall be presumed to be 30 days after the dispatch of copies of the judgement by the Executive Secretary of the Tribunal, unless either party can show to the satisfaction of the Chairman of the Committee that the actual date of receipt was later.

"(c) For the purposes of paragraph 2 of article 11 of the statute, the date of receipt by the Committee of an application shall be the date two weeks after the copies of the application are dispatched to the members of the Committee by the Secretary of the Committee.

"(d) If the Chairman, after consulting all the members of the Committee, determines that the application has not been submitted within the time-limit set forth in paragraph 1 of article 11 of the statute of the United Nations Administrative Tribunal, the Secretary of the Committee shall so inform the Applicant."

Article III, paragraph 2

"2. If the Chairman of the Committee decides that an application manifestly does not comply with the requirements of article II, paragraph 2, of these rules, the application shall be returned by the Secretary of the Committee with a request that it be corrected and resubmitted within three weeks of the date on which the Secretary dispatched the application. If the Chairman of the Committee decides that the application has not been resubmitted within the indicated time-limit in a form which meets the requirements of article II, paragraph 2 of these rules, it shall be considered to be irreceivable, and the Secretary shall so inform the Applicant."

New article III bis

"At the beginning of each session the Chairman of the Committee shall inform the Committee of any application submitted since its last session that he decided, pursuant to subparagraph 1 (d) of article II on paragraph 2 of article III of these rules, was irreceivable and of the reasons for his decision."

Article VII, paragraph 2

"2. For the purposes of the examination of an application, the Committee shall have before it in document form only the application, the judgement of the Administrative Tribunal to which it relates and the comments of the other party to the proceedings before the Administrative Tribunal, if the latter wishes to submit such comments in accordance with paragraph 1 of article IV of the present rules. The application and the comments shall be submitted in writing only."

Article XI, paragraph 2

[subject to further discussion]

"2. A verbatim record, in English and French, of the proceedings of the Committee shall be prepared for the public meetings of the Committee referred to in paragraph 4 of article VII. If the Committee requests an advisory opinion of the International Court of Justice in respect of an application, the Secretary shall transmit to the Court the verbatim

record of the public meeting at which the decision of the Committee to make such a request was formally announced together with such other documents as the Court requires."

Article XII

[under discussion]

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